

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	No. 3:05-CR-23
V.)	(Phillips / Shirley)
)	
ROBERT DESHAWN CAMPBELL,)	
)	
Defendant.)	

ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by Order [Doc. 94] of the Honorable Thomas W. Phillips, United States District Judge, for further proceedings after disposition of the government's Motion for Further Mental Examination, filed January 3, 2008 [Doc. 92]. The parties appeared before the Court on April 1, 2008, for a status conference upon the defendant's return from mental evaluation ordered by this Court pursuant to 18 U.S.C. § 4242. Assistant United States Attorneys Steven Cook and Tracee Plowell appeared on behalf of the government. Attorney Stephen Ross Johnson appeared on behalf of Defendant, Robert Deshawn Campbell, who was also present.

At the status conference, the parties confirmed that Mr. Campbell's mental capacity at the time of the alleged offenses will be at issue in the trial of this case. On January 11, 2008, the Court ordered the production of certain medical records by facilities who have performed testing and evaluation on this defendant with respect to his mental condition at the time these offenses are alleged to have occurred. Order of Commitment for Mental Examination and Evaluation [Doc. 96].

At the hearing, it was brought to the Court's attention that these records have yet to be produced, despite this Court's Order and the continued prompting efforts of defense counsel. Accordingly, the Court issues the instant Order as a second directive for the production of the records. It is Ordered that on or before **May 1, 2008**:

1. Federal Medical Center at Lexington

Dr. Karen B. Milliner, or her designee at FMC Lexington, shall produce the following data to defense counsel, government counsel and the Court, whose addresses are listed below.:

All underlying data regarding any mental evaluation or treatment of Robert DeShawn Campbell at FMC Lexington. This data is to include notes and records made or used by the examiner(s) in conducting the testing and evaluation, to include informal observations of Mr. Campbell; all interim and final reports on the subject of the testing; any recommendations as to the method or conduct of the testing and its results; any material which may be broadly described as original test data.

2. Federal Medical Center at Butner

Dr. Kimberly Kirkland, or her designee at FMC Butner, shall produce the following data to defense counsel, government counsel and the Court, whose addresses are listed below.:

All underlying data regarding any mental evaluation or treatment of Robert DeShawn Campbell at FMC Butner. This data is to include notes and records made or used by the examiner(s) in conducting the testing and evaluation, to include informal observations of Mr. Campbell; all interim and final reports on the subject of the testing; any recommendations as to the method or conduct of the testing and its results; any material which may be broadly described as original test data.

Any physical scan or examination of Robert Deshaw Campbell conducted at FMC Butner. This data includes any Computerized Tomography (“CT”) (or other imaging technique) scan(s) of Mr. Campbell’s brain or any object(s) lodged in his brain; all slides or other images produced by such scan(s); and any notes, observations or conclusions, whether formal or informal, regarding the conduct of such scan or imaging.

The Court observes this case has now been continued 10 times since Mr. Campbell was indicted on March 1, 2005. While the proffered reasons for and the Court rulings on the continuances have all been necessary, the Court notes the primary reason this case has been continued so many times is in response to information regarding various aspects of Mr. Campbell’s mental condition. Should the Court receive no data, or incomplete data, by **May 1, 2008**, the Court may issue a bench subpoena duces tecum for Dr. Karen Milliner and / or Dr. Kimberly Kirkland and / or a Bureau of Prisons representative in order to acquire the information necessary to proceed. In the event that either Dr. Milliner or Dr. Kirkland finds that more than 30 days is necessary to produce any portion of the information described in this Order, or if clarification as to the data to be produced is required, the party is advised to contact the Court in advance of May 1, 2008, at **(865) 545-4260**, to seek a revised Order.

The names, addresses, and telephone numbers of the Assistant United States Attorney, defense counsel, and the Court are as follows:

(a) Government’s counsel:

Steven H. Cook
Office of the United States Attorney
800 Market Street, Suite 211
Knoxville, TN 37902
(865) 545-4167

(b) Defense counsel:

Stephen Ross Johnson
Ritchie, Dillard, & Davies, P.C.
606 W. Main Street, Suite 300
Knoxville, TN 37901
(865) 637-0661

(c) Court:

The Honorable C. Clifford Shirley, Jr.
United States District Court
Eastern District of Tennessee
800 Market Street, Suite 144
Knoxville, TN 37902
(865) 545-4260

The Clerk is directed to serve copies of this order on counsel of record and via fax and regular mail to the following:

(a) Federal Medical Center at Lexington:

Dr. Karen Milliner
FMC Lexington
3301 Leestown Road
Lexington, Kentucky 40511
fax (859) 253-8821

(b) Federal Medical Center at Butner:

Dr. Kimberly Kirkland
FMC Butner
P.O. Box 1600
Butner, North Carolina 27509
fax 919-575-4801

(c) Federal Bureau of Prisons Central Office:

Dr. Newton E. Kendig
Federal Bureau of Prisons
Health Services Division
320 First Street, NW
Washington, D.C. 20534
(*regular mail only*)

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge